

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
LEONARD S. CLAYTON,)
)
vs.) No. 15-0367
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Chicago, Illinois.)

Chicago, Illinois
October 8, 2015

Met pursuant to notice at 11:00 a.m.

BEFORE :

LESLIE D. HAYNES, Administrative Law Judge.

APPEARANCES :

MR. LEONARD S. CLAYTON
3418 West Grenshaw, 1st Floor
Chicago, Illinois 60624
Appearing Pro se;

GRAHAM & GRAHAM, LLP, by
MS. REBECCA A. GRAHAM
115 South LaSalle Street, Suite 2600
Chicago, Illinois 60603

-and-

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060

Appearing on behalf of the Respondent.

SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR

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I N D E X

<u>Witnesses:</u>	<u>Narr.</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Judge</u>
Leonard Clayton	70					
Virginia Clayton						122
Jaleon Wakefield		124	127			
Marilyn Widmer		131	148	157	153 159	141 151

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E X H I B I T S

<u>Name</u>	<u>For Identification</u>	<u>In Evidence</u>
Complainant's No. 1	113	162
Complainant's No. 2	113	162
Complainant's No. 3	113	162
Complainant's No. 4	113	162
Complainant's No. 5	113	162
Complainant's No. 6	113	162
Complainant's No. 7	113	
Complainant's No. 8	118	118
Complainant's No. 9	119	119
Complainant's No. 10	121	121
ComEd No. 1	69	
ComEd No. 2	69	
ComEd No. 3	69	
ComEd No. 4	69	
ComEd No. 5	152	

1 (Whereupon, ComEd Deposition
2 Exhibit Nos. 1 through 4 were
3 marked for identification.)

4 JUDGE HAYNES: Pursuant to the direction of the
5 Illinois Commerce Commission, I now call Docket
6 15-0367. This is the complaint of Leonard Clayton
7 versus Commonwealth Edison Company.

8 Mr. Clayton, can I have your name and
9 address for the record, please.

10 MR. LEONARD CLAYTON: Leonard Scott Clayton,
11 3418 West Grenshaw, 1st Floor.

12 JUDGE HAYNES: Chicago?

13 MR. LEONARD CLAYTON: Chicago, Illinois 60624.

14 JUDGE HAYNES: Thank you.

15 MS. GRAHAM: On behalf of Commonwealth Edison
16 Company, Rebecca Graham, 115 South LaSalle Street,
17 Suite 2600, Chicago, Illinois 60603. My telephone
18 number is (312) 505-8154.

19 MR. GOLDSTEIN: Also for Commonwealth Edison
20 Company, Mark L. Goldstein, 3019 Province Circle,
21 Mundelein, Illinois 60060. My telephone number is
22 (847) 949-1340. And with us this morning is Aaron

1 Jimenez of ComEd as well as two potential witnesses.

2 JUDGE HAYNES: Okay. Mr. Clayton, you are
3 going to be testifying first this morning.

4 MR. LEONARD CLAYTON: Okay.

5 JUDGE HAYNES: So please raise your right hand.

6 (Witness sworn.)

7 JUDGE HAYNES: Thank you. So if you would like
8 to proceed with explaining your complaint.

9 LEONARD CLAYTON,
10 called as a witness herein, having been first duly
11 sworn, testified in the narrative as follows:

12 NARRATIVE EXAMINATION

13 MR. LEONARD CLAYTON: Okay. I had written
14 Commonwealth Edison letters -- three different
15 letters and -- which they say they did not receive --
16 which they were sent, like I say, through the
17 Currency Exchange and they have a postmark, you know,
18 a little time thing to let them know that they
19 received it. They said they did not receive it.
20 They only say they received one from Inez Clayton
21 which -- when she tried to get her electric back on
22 after having stole the electric. They came on the --

1 I believe it was the 13th or the 23rd of 2014 in --

2 JUDGE HAYNES: What month?

3 MR. LEONARD CLAYTON: I think it's '14 or

4 '13 -- I'm not exactly sure -- but it has it here. I

5 tell you when it was.

6 Jenny, can I see your glasses? I

7 forgot my glasses.

8 She tried to get it turned back on.

9 It was on, I think, December of 2013. I don't see it

10 exactly on here, but she tried to turn the electric

11 back on.

12 At that time, they disconnected her

13 electricity -- I mean, they either turned it on or --

14 they didn't turn it on is what it was. She tried to

15 get it in her daughter's name, Mahogany, which I have

16 the paperwork here for when she attempted to do that.

17 Just give me a minute.

18 This is it. Who needs to see it?

19 JUDGE HAYNES: And what is this?

20 MR. LEONARD CLAYTON: That's when she had

21 written a statement to -- she didn't write it, she

22 sent it through the mail. I've got it here. Just

1 give me a minute. Like I say, I'm nervous. I'm
2 trying -- because I've got all this paperwork I'm
3 trying to get together.

4 JUDGE HAYNES: That's okay.

5 So this appears to be the birth
6 certificate of Mahogany.

7 MR. LEONARD CLAYTON: But she sent -- that's
8 the one they acknowledge receiving from Inez Clayton,
9 but then they said they didn't receive any of my
10 letters that I sent. Here it is. That's the fax
11 that she sent.

12 These are the letters that I sent to
13 ComEd, which they say they did not receive. I sent
14 all this information to them. Just give me a minute.
15 I've got it all here. It's quite a bit. I had
16 duplicates made, so I'm going through it. Here's one
17 and this is a duplicate for that. Here are the
18 letters that I faxed to ComEd asking them to come and
19 turn off her electricity because she was stealing the
20 electric. I also had a police report -- that's the
21 date -- I mean, the time stamp on it. I also filed a
22 police report against her that she was stealing the

1 electric and I have it here. These are the other
2 letters that I sent to ComEd with all this
3 information. This is the police report.

4 When the meter reader came by --
5 what's your first name again? I forgot.

6 MR. JALEON WAKEFIELD: Jaleon.

7 MR. LEONARD CLAYTON: Jaleon, right. When he
8 came by, and I was telling him that they were
9 stealing electricity --

10 You remember the conversation.

11 MR. JALEON WAKEFIELD: I don't.

12 JUDGE HAYNES: Okay. Okay. Wait.

13 Mr. Clayton, just tell your story.

14 MR. LEONARD CLAYTON: Okay. When the meter
15 reader came by to read the meters and I told him that
16 electric was being stolen from me, he did something
17 with the computer. I don't --

18 Do you remember going --

19 JUDGE HAYNES: Direct your comments to me.

20 MR. LEONARD CLAYTON: Okay. Okay. All right.

21 Anyway, I thought he had written something in the
22 computer, but they said that nothing can be sent

1 through there or something, I don't know; but,
2 anyway, at that time -- this is when he told me that
3 I was being charged for the whole bill and that's
4 when I -- that's when I got his name, telephone
5 number and his ID number.

6 JUDGE HAYNES: Okay. And when you say "his,"
7 are you indicating to someone in the room here?

8 MR. LEONARD CLAYTON: Jaleon.

9 JUDGE HAYNES: Say that again.

10 MR. LEONARD CLAYTON: Jaleon. I don't know his
11 last name.

12 MR. GOLDSTEIN: Mr. Wakefield.

13 JUDGE HAYNES: Mr. Wakefield. Okay. So the
14 witness that ComEd has brought with is the meter
15 reader you had this conversation with?

16 MR. LEONARD CLAYTON: Absolutely.

17 And this went on for as long as he was
18 on that route because he stopped and put another guy
19 on it. So...

20 JUDGE HAYNES: Okay.

21 MR. LEONARD CLAYTON: No one ever responded to
22 my complaints.

1 JUDGE HAYNES: Mr. Clayton, I need you to walk
2 me through the time frame here.

3 MR. LEONARD CLAYTON: We're talking 2010 up
4 until 2014 which my letters indicate, they're dated.

5 JUDGE HAYNES: Okay. And what happened from
6 2010 to 2014?

7 MR. LEONARD CLAYTON: Nothing. Other than them
8 coming and turning off my electric and still not
9 responding to my calls. They came and turned it off
10 twice and charged me a thousand dollar each time.

11 JUDGE HAYNES: Okay. I'm sorry.

12 MR. LEONARD CLAYTON: No one responded to me.

13 JUDGE HAYNES: I know that we've had meetings
14 before.

15 MR. LEONARD CLAYTON: Absolutely.

16 JUDGE HAYNES: I need you today to tell the
17 full story of what your complaint is because the last
18 times we met --

19 MR. LEONARD CLAYTON: Okay.

20 JUDGE HAYNES: -- some of the conversations
21 might have been off the record; but what they
22 absolutely weren't was -- you weren't testifying. We

1 were talking about how we were going to deal with
2 this complaint going forward. So today is the day
3 that you have to walk me through everything because
4 now you're under oath --

5 MR. LEONARD CLAYTON: Okay.

6 JUDGE HAYNES: -- and so you have to explain
7 what your complaint is.

8 MR. LEONARD CLAYTON: My complaint is that I
9 was being charged for her electricity that she was
10 stealing, which is in this -- the paperwork that they
11 sent me showed that someone was stealing electric
12 from that meter.

13 JUDGE HAYNES: Okay.

14 MR. LEONARD CLAYTON: I have that in their
15 paperwork.

16 JUDGE HAYNES: Okay. So "she" is Inez?

17 MR. LEONARD CLAYTON: Inez Clayton. Well, it
18 was Frazier at that time.

19 JUDGE HAYNES: Okay. And from -- you think she
20 was stealing your electricity from 2010 to 2014?

21 MR. LEONARD CLAYTON: It shows on the paperwork
22 they sent me it was from 2009. So she was -- before

1 I even knew what was going on, which was in 2010, but
2 she had started stealing it from 2009.

3 JUDGE HAYNES: And is this a building that you
4 own?

5 MR. LEONARD CLAYTON: It's a two-flat building
6 that I own, yes, it is.

7 JUDGE HAYNES: And do you have electric service
8 at this building?

9 MR. LEONARD CLAYTON: Yes, I do.

10 JUDGE HAYNES: And what floor do you live on?

11 MR. LEONARD CLAYTON: 1st. I live on the 1st
12 floor. I had electric from the basement and the
13 first floor. She was living on the 2nd floor.

14 JUDGE HAYNES: And were those three floors, the
15 basement, 1st and 2nd, separate meters?

16 MR. LEONARD CLAYTON: Yes, they were.

17 JUDGE HAYNES: And separate accounts?

18 MR. LEONARD CLAYTON: I would think so.

19 JUDGE HAYNES: Separately billed?

20 MR. LEONARD CLAYTON: I would think so. It's
21 not in my name, not the 2nd floor.

22 JUDGE HAYNES: Okay. But the basement and the

1 1st floor are in your name?

2 MR. LEONARD CLAYTON: Right. It could have
3 been in Jackie Frazier -- that's what I believe it
4 was in because I know at the time that she was only
5 paying the gas. Her husband died in 2010 of
6 December.

7 JUDGE HAYNES: Okay. Now, you said "Mahogany"
8 before. Who is Jackie?

9 MR. LEONARD CLAYTON: Mahogany -- Jackie is
10 Inez's husband -- used to be husband. He died in
11 2010 in December.

12 JUDGE HAYNES: Okay. And why do you think that
13 Inez was stealing your electricity? What is that
14 based on?

15 MR. LEONARD CLAYTON: Because they turned off
16 her electric.

17 JUDGE HAYNES: Okay. And --

18 MR. LEONARD CLAYTON: And I caught the guy
19 who -- at one time -- she did it over several times,
20 but I caught the guy who was messing with the box and
21 I told him to get out of there and he left; but I
22 guess he must have came back and turned it back on

1 again. But lots of times I'll be out of town.

2 JUDGE HAYNES: So when you say "the box," what
3 do you mean? For your account? Where is the box?

4 MR. LEONARD CLAYTON: They was stealing the
5 electric -- they was stealing the electric for the
6 2nd floor.

7 JUDGE HAYNES: Okay. So you caught the guy by
8 the box?

9 MR. LEONARD CLAYTON: Right.

10 JUDGE HAYNES: And do you mean ComEd's meter
11 or --

12 MR. LEONARD CLAYTON: At the meter. At the
13 meter.

14 JUDGE HAYNES: Okay. The meter for the 2nd
15 floor?

16 MR. LEONARD CLAYTON: Yes. And it shows here
17 consumption of inactive meter from October 30th,
18 2009.

19 JUDGE HAYNES: Okay. So what are you looking
20 at?

21 MR. LEONARD CLAYTON: This is the paperwork
22 that they sent me.

1 JUDGE HAYNES: So at the top of the piece of
2 paper it says, 3418 West Grenshaw, Unit 2. And so do
3 you think you were billed for her usage?

4 MR. LEONARD CLAYTON: I know I was billed.

5 JUDGE HAYNES: And how do you know that?

6 MR. LEONARD CLAYTON: First of all, the cost of
7 my bill and him advising me that they were charging
8 me for the whole building there.

9 JUDGE HAYNES: And "him" being --

10 MR. LEONARD CLAYTON: Jaleon.

11 JUDGE HAYNES: -- Mr. Wakefield?

12 MR. LEONARD CLAYTON: Wakefield.

13 JUDGE HAYNES: Okay. So Mr. Wakefield's
14 statement and what was the other -- because it's on
15 your bill? What did you say?

16 MR. LEONARD CLAYTON: Pardon?

17 JUDGE HAYNES: Can you repeat how you know that
18 she was stealing from you.

19 MR. LEONARD CLAYTON: Because the cost of the
20 bill was not the same. The bill had jumped up. It
21 was higher.

22 JUDGE HAYNES: Okay. What bills -- what dates

1 are those bills?

2 MR. LEONARD CLAYTON: Also someone changed my
3 electric to Northern Electric or something that I
4 never had applied for. In other words, it went from
5 ComEd to Northern-something.

6 JUDGE HAYNES: I know we talked about that at
7 the last status hearing --

8 MR. LEONARD CLAYTON: Right.

9 JUDGE HAYNES: -- and you were going to follow
10 up with our Consumer Services.

11 MR. LEONARD CLAYTON: This is a bill they sent
12 me from there. I never made a change. They don't
13 have anything with my signature on it.

14 JUDGE HAYNES: Did you follow up with Consumer
15 Services about that?

16 MR. LEONARD CLAYTON: I didn't know until we
17 were here at one of the meetings.

18 JUDGE HAYNES: Right. And so then we gave you
19 the phone number for the Commission's Consumer
20 Services. Did you call them?

21 MR. LEONARD CLAYTON: No, I did not. I
22 didn't -- I don't remember you giving me a number for

1 that.

2 JUDGE HAYNES: Okay. Mr. Goldstein, are you
3 going to be using this document that he has?

4 MR. LEONARD CLAYTON: It's the one he sent to
5 me.

6 MS. GRAHAM: Aside from the handwritten notes
7 he has on here, it looks substantially the same as
8 what's been marked as ComEd Exhibit 3.

9 JUDGE HAYNES: Okay.

10 MS. GRAHAM: The 2nd page of what you're
11 looking at of our ComEd Exhibit 3, minus the
12 handwritten notes.

13 MR. LEONARD CLAYTON: I noted on there the day
14 that her husband died and the different things that I
15 was aware of.

16 JUDGE HAYNES: Okay.

17 MR. LEONARD CLAYTON: It also says on that
18 paper that another company other than ComEd was
19 supplying me, which I never made a change. The last
20 time I was here she said, Well, maybe the meter had
21 did it. The meter wasn't in at that time.

22 JUDGE HAYNES: Okay. So you said that your

1 bills got higher at some point?

2 MR. LEONARD CLAYTON: Yes, they did.

3 JUDGE HAYNES: And when was that?

4 MR. LEONARD CLAYTON: That was during this time
5 period.

6 JUDGE HAYNES: So the entire time period 2010
7 to 2014 your bills were higher?

8 MR. LEONARD CLAYTON: Yes, they was. As a
9 matter of fact, I had a bill -- my normal bill for
10 the basement was \$37 because the only thing we did
11 was wash clothes out of there.

12 JUDGE HAYNES: Okay.

13 MR. LEONARD CLAYTON: And the furnace is tied
14 into the 1st floor. Then I started getting bills for
15 300 and something dollars for the basement. If they
16 look through their records they'll find it.

17 JUDGE HAYNES: Okay. Do you have any of those
18 bills?

19 MR. LEONARD CLAYTON: I might have. I'm not
20 for sure. I might have. I brought the ones that I
21 had on hand that I could find, and I think they were
22 for the 1st floor, but the basement and the 1st floor

1 were in there together; but the basement lights have
2 been off for now about three years, four years.

3 I may not have the basement in there
4 because I wasn't thinking about the basement, you
5 know, I was going through the general bill. Here's
6 one from, let's see, the 14th -- 8/14 -- 8/5/14.
7 This says "13,000," the other bill over there for --
8 now shows 17,000 and then -- and then they charged
9 me, if you remember, a 5,000 -- almost a \$5,000 late
10 fee which she said that they would discount that.

11 Do you remember that conversation?

12 JUDGE HAYNES: I wasn't there for that.

13 MR. LEONARD CLAYTON: You were here.

14 JUDGE HAYNES: Okay.

15 MR. LEONARD CLAYTON: You were here.

16 JUDGE HAYNES: I don't really recall.

17 MR. LEONARD CLAYTON: I do.

18 JUDGE HAYNES: Okay. So you have given me a
19 bill dated August 31st of '15 and it has --

20 MR. LEONARD CLAYTON: Like I say, I don't know
21 who changed it over to Northern or whoever it is they
22 said was supplying -- they said it wasn't ComEd or

1 something and I was like, Huh, and that's been a
2 while.

3 JUDGE HAYNES: With current charges of \$118 and
4 a past due of 16,955.

5 MR. LEONARD CLAYTON: And \$118 is what I
6 normally would use.

7 JUDGE HAYNES: So at any point, did you get a
8 really high bill?

9 MR. LEONARD CLAYTON: Yeah, when they started
10 sending me these bills, like I told you, for the
11 basement, I mean -- and all of them together, they
12 were charging me a large number; but, like I say, I
13 didn't get all the paperwork. I was just thinking
14 what I had at hand would be enough.

15 JUDGE HAYNES: This bill you've handed me that
16 says "Account No. 5638325000," is that -- for what
17 floor?

18 MR. LEONARD CLAYTON: It should be for the 1st
19 floor.

20 JUDGE HAYNES: So it says "Unit 1"?

21 MR. LEONARD CLAYTON: Yeah.

22 JUDGE HAYNES: That's the 1st floor you live

1 on?

2 MR. LEONARD CLAYTON: Right, because the
3 basement had been disconnected, like I said, for
4 about at least three or four years.

5 JUDGE HAYNES: Okay. And --

6 MR. GOLDSTEIN: Six.

7 MR. LEONARD CLAYTON: Six years? I know it was
8 a long time.

9 MS. VIRGINIA CLAYTON: It was longer.

10 MR. LEONARD CLAYTON: This is how long this has
11 been going on. This is '15. The thing says 2009 on
12 there when the theft started occurring and they came
13 and turned off the electric in the basement then --

14 JUDGE HAYNES: So have you been making --

15 MR. LEONARD CLAYTON: -- so it does correspond.

16 JUDGE HAYNES: Have you been making payments on
17 your account?

18 MR. LEONARD CLAYTON: I have made payments on
19 it, but this is like throwing money in a rabbit hole.
20 What is my real bill?

21 JUDGE HAYNES: And so did you -- when did you
22 notice that your account was higher?

1 MR. LEONARD CLAYTON: When we started getting
2 these bills for thousands of dollars.

3 JUDGE HAYNES: And so when was that?

4 MR. LEONARD CLAYTON: Well, here's the sheet
5 that they gave me, also --

6 JUDGE HAYNES: Okay.

7 MR. LEONARD CLAYTON: -- it has figures on it.
8 I think it's more detailed.

9 JUDGE HAYNES: Okay. But from your own records
10 or your own memory --

11 MR. LEONARD CLAYTON: When they start doing
12 what now?

13 JUDGE HAYNES: I'm just -- I'm trying to --

14 MR. LEONARD CLAYTON: Because it's been going
15 on for so long.

16 JUDGE HAYNES: Okay.

17 MR. LEONARD CLAYTON: And they never responded
18 and, like I said, then she turned around and tell me
19 they never received the letters that I sent? Huh?
20 They're stamped.

21 JUDGE HAYNES: Okay. So do you want to put --
22 I think that we should put the bill that you hand me

1 into the record.

2 MR. LEONARD CLAYTON: Okay.

3 JUDGE HAYNES: I'll have to make copies of it.

4 MR. LEONARD CLAYTON: Fine.

5 JUDGE HAYNES: I'm going to let ComEd -- I

6 believe this is -- it's the ComEd Account Activity

7 Statement he just handed me. Is ComEd going to be --

8 MS. GRAHAM: It's marked as Exhibit 1 on the

9 back there.

10 JUDGE HAYNES: Okay. So I'm going to let ComEd

11 deal with those.

12 MR. LEONARD CLAYTON: Mm-hmm.

13 JUDGE HAYNES: You also handed me a bill from

14 August 5th, 2014. Do you also --

15 MR. LEONARD CLAYTON: I should have handed you

16 the latest bill. One of those should be the latest

17 bill.

18 JUDGE HAYNES: You did.

19 MR. LEONARD CLAYTON: 17,600 and something.

20 JUDGE HAYNES: You did. You handed me the most

21 recent bill and then also one from September of 2014.

22 MR. LEONARD CLAYTON: Mm-hmm.

1 JUDGE HAYNES: Okay. And then you handed me a
2 lot of papers here that I assume you want me to look
3 at.

4 MR. LEONARD CLAYTON: Yeah. That corresponds
5 to ComEd, which they never responded.

6 JUDGE HAYNES: Okay. So you've handed me the
7 obituary of Jackie Frazier.

8 MR. LEONARD CLAYTON: Right. That's the one I
9 believe the electric was in originally for the 2nd
10 floor. That's what I believe. I don't think Inez is
11 in there because she owed.

12 JUDGE HAYNES: And why -- what does the
13 obituary have to do with your ComEd bill?

14 MR. LEONARD CLAYTON: Because the bills were
15 being paid by Jackie Frazier at that time. After
16 that, after he passed, Inez Frazier, his wife, was
17 the one using the electric.

18 JUDGE HAYNES: So when did he die?

19 MR. LEONARD CLAYTON: Here's his obituary right
20 there.

21 JUDGE HAYNES: I don't see it.

22 MR. LEONARD CLAYTON: He died -- he died

1 December 18th, 2010.

2 JUDGE HAYNES: Is that on here?

3 MR. LEONARD CLAYTON: It's on there. It's in
4 the letters, too.

5 JUDGE HAYNES: Okay. It's not on this
6 obituary, so I don't --

7 MR. LEONARD CLAYTON: Here's the original
8 obituary.

9 JUDGE HAYNES: I don't -- I don't know that we
10 need the obituary. You can just tell me that he died
11 in 2010.

12 MR. LEONARD CLAYTON: Okay. Well, I wanted to
13 show proof because I didn't know exactly who was --
14 the electric was in. I believe it may have been in
15 Jackie Frazier. What I'm saying, Inez was the one
16 stealing the electric after he passed and -- before
17 and after because it started in '09. He passed in
18 '10 -- 2010, in December.

19 JUDGE HAYNES: Okay. If you want, I can put
20 this in the --

21 MR. LEONARD CLAYTON: You need a copy. I want
22 to keep that for myself.

1 JUDGE HAYNES: Understood. So I don't need
2 this because it doesn't have the date he died, but I
3 will take the front page of this funeral service.

4 MR. LEONARD CLAYTON: It's also in my letters,
5 my correspondence to ComEd the day he died.

6 JUDGE HAYNES: Okay. I'm just going through
7 your paperwork here to see what we should put in the
8 record. So this is your Chicago Police Department --

9 MR. LEONARD CLAYTON: Report on deceptive
10 practice, her stealing the electric.

11 MR. GOLDSTEIN: Judge, may I interject?

12 JUDGE HAYNES: Yes.

13 MR. GOLDSTEIN: Is that the form that
14 Mr. Clayton filled out at the Police Department --

15 MR. LEONARD CLAYTON: I have that too, sir.

16 MR. GOLDSTEIN: -- or is that the Investigation
17 Report?

18 MR. LEONARD CLAYTON: That's the original
19 report.

20 JUDGE HAYNES: It's not dated.

21 MR. LEONARD CLAYTON: There's a date on here.
22 There's a date. I made duplicate copies of

1 everything. Here it is. That's a duplicate copy.

2 JUDGE HAYNES: Mr. Goldstein, you can have

3 that.

4 MR. LEONARD CLAYTON: You asked me for

5 something and I said I had it.

6 JUDGE HAYNES: You handed me the obituary.

7 MR. LEONARD CLAYTON: When I went down to 35th

8 and Michigan, that's where I had to go file -- I

9 mean, I filed the report with the police, but I had

10 to go down there --

11 JUDGE HAYNES: The other side is just in

12 Spanish that you're missing.

13 MR. GOLDSTEIN: Obviously, Judge, if

14 Mr. Clayton is going to move that --

15 MR. LEONARD CLAYTON: I went to 35th and

16 Michigan to file -- for the report.

17 MR. GOLDSTEIN: That's a copy of his -- that's

18 his request for that report.

19 MR. LEONARD CLAYTON: That information, that's

20 right.

21 MR. GOLDSTEIN: Okay. Judge, obviously, that

22 is not an Investigation Report of the Police

1 Department and it doesn't contain any real
2 information relevant to the proceeding. We would
3 object if he's going to ask that it be moved into
4 evidence. There's no --

5 MR. LEONARD CLAYTON: I found that --

6 MR. GOLDSTEIN: There's no foundation for that.
7 There's no indication of, really, anything on that
8 document. The -- what you're holding in your hand is
9 merely a request for that piece of paper.

10 MR. LEONARD CLAYTON: I had the piece of paper
11 when I filed the report. The officer gave that to me
12 at that time.

13 JUDGE HAYNES: This piece of paper?

14 MR. LEONARD CLAYTON: Yes, ma'am. When I went
15 to 35th to get information -- I mean, 35th and
16 Michigan, I went to get the information concerning
17 the report.

18 JUDGE HAYNES: Okay.

19 MR. GOLDSTEIN: There's really no indication,
20 other than this piece of paper, of what it is that
21 shows what area he went to and --

22 MR. LEONARD CLAYTON: The Police came to the

1 house and did that. I called the Police to the
2 house.

3 MR. GOLDSTEIN: There's no police Investigation
4 Report other than that piece of paper. It's really
5 nothing.

6 JUDGE HAYNES: Mr. Clayton, it's not dated. It
7 doesn't have your address.

8 MR. LEONARD CLAYTON: It doesn't have a date on
9 the other one that I took a photostatic copy of?

10 JUDGE HAYNES: Well, they appear to be the
11 same -- this is a copy of this one --

12 MR. LEONARD CLAYTON: Okay.

13 JUDGE HAYNES: -- it just doesn't have the
14 Spanish side.

15 MR. LEONARD CLAYTON: Right. That's the
16 original. That's a copy that I took of the front.

17 JUDGE HAYNES: This is the original and this is
18 the copy of it.

19 MR. LEONARD CLAYTON: For deceptive practice.

20 JUDGE HAYNES: I see that it says "Deceptive
21 Practice."

22 MR. GOLDSTEIN: Does the original have his name

1 on it even?

2 JUDGE HAYNES: Well, it says, "Case Name,
3 Clayton."

4 MR. GOLDSTEIN: Who wrote in "Clayton" on the
5 copy?

6 MR. LEONARD CLAYTON: Who wrote what?

7 JUDGE HAYNES: It's on here. It says, Clayton.

8 MR. LEONARD CLAYTON: I didn't make it up. It
9 shows I filed a police report against her for the
10 theft of the electricity.

11 JUDGE HAYNES: It doesn't have any "Inez."
12 There's no name on here except for Clayton.

13 MR. LEONARD CLAYTON: Okay. Because she
14 changed her name back to Clayton after her husband
15 died from Frazier.

16 JUDGE HAYNES: What I'm saying is that you
17 haven't shown that this has anything to do with your
18 ComEd complaint.

19 MR. LEONARD CLAYTON: That was the reason why I
20 called the Police --

21 JUDGE HAYNES: I understand that.

22 MR. LEONARD CLAYTON: -- and filed a complaint

1 that she was stealing the electric. So how can you
2 say it doesn't have anything to do with it? That was
3 the whole purpose of calling the Police.

4 JUDGE HAYNES: And I believe that is why you
5 called the Police --

6 MR. LEONARD CLAYTON: Absolutely.

7 JUDGE HAYNES: -- but what I'm saying is that
8 this piece of paper that says "Deceptive Practice,"
9 and then it says "Case Name, People of the State of
10 Illinois versus Clayton" --

11 MR. LEONARD CLAYTON: Mm-hmm.

12 JUDGE HAYNES: -- it's not dated. It doesn't
13 indicate who the "Clayton" is.

14 MR. LEONARD CLAYTON: Mm-hmm. But it does have
15 a case number though. Can you find out through that?

16 JUDGE HAYNES: It's not my job to find out what
17 this is.

18 MR. LEONARD CLAYTON: Okay. That's why I went
19 down there to try to get information at 35th and
20 Michigan.

21 JUDGE HAYNES: So this -- and this is the sheet
22 of paper you are talking about for trying to get --

1 MR. LEONARD CLAYTON: Yes, ma'am.

2 What's the date on that?

3 JUDGE HAYNES: This one is dated April of 2010.

4 MR. LEONARD CLAYTON: Okay.

5 JUDGE HAYNES: And in the remarks it says "my

6 niece" and there's a sentence there.

7 MR. LEONARD CLAYTON: Which is Inez.

8 JUDGE HAYNES: Did you write that, Mr. Clayton?

9 MR. LEONARD CLAYTON: Yeah, I wrote that. I

10 had to fill that out to give it to the clerk to get

11 the information and when they gave me the

12 information, I mean, they had a whole lot of blank

13 stuff in it, blacked-out things.

14 JUDGE HAYNES: Okay. I'm going to keep

15 thinking about these pieces of paper. You've handed

16 me another.

17 MR. LEONARD CLAYTON: That was the rent

18 receipts from them.

19 JUDGE HAYNES: Okay. And what do the rent

20 receipts have to show?

21 MR. LEONARD CLAYTON: It shows they were

22 occupants of the 2nd floor.

1 JUDGE HAYNES: Okay. And the dates are
2 October -- oh, September, October, November of 2010.
3 Okay. And what does -- and so they
4 lived there?
5 MR. LEONARD CLAYTON: They were living there at
6 that time.
7 JUDGE HAYNES: And did they have electric
8 service at that time?
9 MR. LEONARD CLAYTON: Yes, they did.
10 JUDGE HAYNES: Did they have electric service
11 in their name at that time?
12 MR. LEONARD CLAYTON: I don't know. I don't
13 know if it was in Jackie's name or her name. I
14 believe it was in Jackie's name, which was her
15 husband at that time.
16 JUDGE HAYNES: Okay. So during September,
17 October, November of 2010, did you think they were
18 stealing your electricity?
19 MR. LEONARD CLAYTON: I didn't know until --
20 JUDGE HAYNES: Jackie died in December of 2010.
21 MR. LEONARD CLAYTON: -- afterwards. It was
22 afterwards, I believe, I'm not exactly for sure

1 because it's been going on for so long.

2 JUDGE HAYNES: Okay.

3 MR. LEONARD CLAYTON: That was just proof that
4 they lived there, the rent receipts. That's the
5 reason why I took those, a copy of those.

6 JUDGE HAYNES: Okay. So when did they -- they
7 lived there from '09 to 2014?

8 MR. LEONARD CLAYTON: Yes. I believe it was
9 December of 2014. No, I didn't get her out until
10 March of 2015, but they didn't have any electric
11 during that time, between December and -- they didn't
12 have electric way before that, but they never had
13 electric from the last time that they had turned it
14 off in her apartment.

15 JUDGE HAYNES: And --

16 MR. LEONARD CLAYTON: It should show when it
17 was turned off. Right?

18 JUDGE HAYNES: Do you know when her electric
19 was turned off?

20 MR. LEONARD CLAYTON: I don't know exactly, but
21 I know she got it turned back on between '09 and '14
22 as their paper that they sent me indicates.

1 JUDGE HAYNES: Do you want to show me where on
2 this piece of paper it indicates that her electricity
3 was turned off?

4 MR. LEONARD CLAYTON: They said it was off
5 already. It says -- let me see your glasses, Jenny.
6 From 10/30/09 to 8/3/13 here, it shows consumption of
7 inactive meter, no error; but it was off. She tried
8 to get it turned back on through her daughter's name,
9 which I wrote in the letter, who is autistic, can't
10 speak, can't write, can't do anything. She tried to
11 use her daughter's name to get the electric turned
12 back on.

13 JUDGE HAYNES: Okay.

14 MR. LEONARD CLAYTON: You want this back? You
15 can check through it.

16 JUDGE HAYNES: Sure. Then I have in front of
17 me copies of a letter to Commonwealth Edison from
18 Mr. Clayton dated January 11 of 2011.

19 MR. LEONARD CLAYTON: I have three different
20 letters in there.

21 JUDGE HAYNES: And then I have a letter dated
22 May 17th, 2012.

1 MR. LEONARD CLAYTON: It should be 2010 also
2 and I believe another 2014.

3 JUDGE HAYNES: I'm going to get copies once I
4 determine what we've got here. Okay. So then I
5 have -- this is a copy -- this is the original of
6 your -- January 11th, 2011. I'm going to give that
7 back to you.

8 MR. LEONARD CLAYTON: Okay.

9 JUDGE HAYNES: And then I have a -- okay. Is
10 then the only other letter I have is dated May
11 17th -- oh, no, I'm sorry, May 17th, 2012, "Dear
12 ComEd," from Mr. Clayton and then I have another
13 three-page document May 15th of 2014 and you've
14 enumerated nine facts --

15 MR. LEONARD CLAYTON: Which they said they've
16 never received, which I sent from the currency
17 exchange.

18 JUDGE HAYNES: So do these fax things --

19 MR. LEONARD CLAYTON: That's the fax that I
20 sent them under -- I went to the currency exchange
21 and sent it.

22 JUDGE HAYNES: Okay. So one is dated

1 January 11th, 2011.

2 MR. LEONARD CLAYTON: Okay.

3 JUDGE HAYNES: And so what you're saying is

4 that should go with the January 2011 letter?

5 MR. LEONARD CLAYTON: Yes. Let me see if I can

6 find the other letter here for that because I have

7 the information.

8 JUDGE HAYNES: And then -- May 17th, 2012 fax,

9 and then you have a fax here that I don't know what

10 it goes with.

11 MR. LEONARD CLAYTON: That's the one that Inez

12 sent to try to get the gas turned -- I mean the

13 electric turned on in her daughter Mahogany's name

14 and that's her daughter there with her birth

15 certificate and stuff. Now, that's the one that they

16 said they received, but they never received any of my

17 letters.

18 JUDGE HAYNES: Okay. So is this is the

19 complaint -- a fax from --

20 MR. LEONARD CLAYTON: From Inez.

21 JUDGE HAYNES: It says from Mahogany Clayton --

22 MR. LEONARD CLAYTON: It was from Inez.

1 Mahogany can't even speak, can't write. She can't do
2 anything. She's autistic.

3 JUDGE HAYNES: -- to ComEd and then it has
4 attached her Social Security number and birth
5 certificate.

6 MR. LEONARD CLAYTON: Which her mother
7 supplied.

8 JUDGE HAYNES: Which we're not going to --
9 we're certainly not going to put it up on our Web
10 site and then there is -- you have one more piece of
11 paper here. It looks like a fax cover page --

12 MR. LEONARD CLAYTON: Mm-hmm.

13 JUDGE HAYNES: -- but does it go -- it's not
14 dated.

15 MR. LEONARD CLAYTON: Whatever date that's on
16 that letter -- whatever date that's on that fax,
17 that's the fax head to that letter that was sent.

18 JUDGE HAYNES: The problem is this fax is not
19 dated.

20 MR. LEONARD CLAYTON: It's got to have a date
21 on it somewhere. Oh, that's right, in the -- I gave
22 you a different one --

1 JUDGE HAYNES: The other two match, it's these
2 nine facts from 2014 that don't have a fax page.

3 MR. LEONARD CLAYTON: They definitely were
4 faxed. They said they didn't receive any of them,
5 which I know that's false. And then she also said we
6 only keep information that goes back two years.

7 You remember saying that?

8 And then they sent me a thing going
9 back to '09. What's that, six years.

10 JUDGE HAYNES: Okay.

11 MR. LEONARD CLAYTON: They destroy the
12 information after two years, that's what she said at
13 one of the meetings.

14 JUDGE HAYNES: Okay. So you don't have a cover
15 sheet for this last thing. I am going to make copies
16 of --

17 MR. LEONARD CLAYTON: This is also the
18 certified letter I had certified from my niece, which
19 is another one of her daughter's, stating that she
20 was stealing the electric.

21 JUDGE HAYNES: This is -- that's the letter you
22 attached to --

1 MR. LEONARD CLAYTON: Yeah, at the last meeting
2 we were here. Don't you have a copy of that?

3 JUDGE HAYNES: You attached it to your
4 complaint, so that's there. Okay. So let's take
5 these in order.

6 MR. LEONARD CLAYTON: Okay. They never
7 followed up. They should have followed up.

8 JUDGE HAYNES: Well, first, we're going to call
9 it -- Complainant's Exhibit 1 is Mr. Clayton's bill
10 from August of 2015.

11 Does the Company object to admitting
12 this into the record?

13 MR. GOLDSTEIN: No.

14 MS. GRAHAM: No objection.

15 JUDGE HAYNES: And what we're going to mark as
16 Complainant's Exhibit 2 is his bill from ComEd dated
17 August 5th of 2014.

18 MS. GRAHAM: No objection.

19 JUDGE HAYNES: Okay. And then the -- I'm going
20 to photocopy just the first page to indicate the
21 death of --

22 MR. LEONARD CLAYTON: Jackie Frazier.

1 JUDGE HAYNES: -- Jackie Frazier.

2 Do you object to admitting this into

3 the record?

4 MR. GOLDSTEIN: Other than the fact that it's

5 totally irrelevant, no.

6 MR. LEONARD CLAYTON: Who was the electric

7 under? Whose name was the electric under on the 2nd

8 floor?

9 JUDGE HAYNES: You can ask their witness when

10 their witness is up here.

11 MR. LEONARD CLAYTON: Okay.

12 JUDGE HAYNES: So this is going to be

13 Complainant's Exhibit 3, which we're admitting for

14 the limited purpose of showing the date that

15 Mr. Jackie Frazier died in December of 2010.

16 JUDGE HAYNES: And then Complainant's fourth --

17 Exhibit 4 are rent receipts from 2010.

18 MR. LEONARD CLAYTON: And this is the one

19 that's showing where they charged me 5,000-something

20 for a late payment.

21 JUDGE HAYNES: Okay. Hold on. I'll take it in

22 a second.

1 MR. GOLDSTEIN: Again, Judge, with respect to
2 what you've marked as Complainant's Exhibit 4, it's
3 totally irrelevant, but we have no objection.

4 MR. LEONARD CLAYTON: It's a rent receipt.

5 JUDGE HAYNES: The rent receipts are admitted
6 into the record as Complainant's Exhibit 4.

7 JUDGE HAYNES: Okay. Now, you tried to hand me
8 another bill.

9 MR. LEONARD CLAYTON: That's the one where I
10 told you they were talking about charging me
11 5,200-something for late payments and they said that
12 they would take that off.

13 MR. GOLDSTEIN: I'm going to ask that that last
14 statement be stricken, Judge.

15 MR. LEONARD CLAYTON: That's what she said.

16 MR. GOLDSTEIN: That's something that's part of
17 the settlement process at the Commission and it has
18 no basis for testimony in the record.

19 JUDGE HAYNES: I agree with Mr. Goldstein.
20 However, I do see that this bill issued January 7th
21 of 2015 has a late payment charge of \$5,259. We can
22 mark this as Complainant's Exhibit 5.

1 And do you object to admitting that
2 into the record?

3 MS. GRAHAM: No objection.

4 JUDGE HAYNES: And I'm going to make copies
5 obviously in a minute. I just want to make sure
6 these are all clear. Okay?

7 MR. LEONARD CLAYTON: One thing -- may I say
8 something?

9 JUDGE HAYNES: Yeah.

10 MR. LEONARD CLAYTON: On this paper that they
11 sent me, it shows where something was canceled or
12 something and remember they said they had changed my
13 electric to Northern something and then on the bottom
14 of it, it says "Canceled." I never had them cancel
15 them or owed them anything whatsoever, Northern
16 Electric. I never signed up for them.

17 JUDGE HAYNES: Okay. So --

18 MR. LEONARD CLAYTON: And it says I changed it
19 in 2009 or something, when I had Northern Electric.
20 I never had any communication whatsoever with them.

21 JUDGE HAYNES: Your current -- most current
22 bill says your current supplier is North American

1 Power & Gas.

2 MR. LEONARD CLAYTON: Okay.

3 JUDGE HAYNES: Have you called North American

4 Power & Gas?

5 MR. LEONARD CLAYTON: No, I have not. I never

6 knew I had them. I was with ComEd, period. Somebody

7 is playing games.

8 JUDGE HAYNES: Is this going to be a ComEd

9 exhibit?

10 MS. GRAHAM: We're actually using a more recent

11 activity statement as Exhibit 1. Our activity

12 statement that we're going to enter is dated

13 October 7th, 2015. This one is dated July 23rd,

14 2015.

15 JUDGE HAYNES: Okay. Would you like,

16 Mr. Clayton, to -- they're not going to be using this

17 today, what you have here, and you have two things

18 circled here. Did you want this to go into the

19 record?

20 MR. LEONARD CLAYTON: I would like to. I mean,

21 I never had Northern -- I never subscribed to them or

22 anything. How they picked me up on this electric, I

1 have no idea, absolutely no idea and she said --
2 that's when we had spoke -- and she said, You were
3 paying a higher rate through Northern Electric than
4 from ComEd. Why would I change myself for a higher
5 rate? They don't have my signature on anything.

6 JUDGE HAYNES: Okay. I think that was
7 off-the-record discussions last time, but I could be
8 wrong, okay. So this is going to be a ComEd account
9 activity statement dated July 23rd of 2015 and I'm
10 going to make that Complainant's Exhibit No. 6.

11 Do you object to admitting that into
12 the record.

13 MS. GRAHAM: Judge, we have no objection, but I
14 would note that the document speaks for itself, other
15 than the handwritten notes. It's a ComEd document
16 other than those handwriting -- other than the
17 handwriting on it.

18 JUDGE HAYNES: Okay. And, Mr. Clayton, you
19 circled them because it says "North American Power";
20 correct?

21 MR. LEONARD CLAYTON: Yes.

22 JUDGE HAYNES: Okay. Complainant's Exhibit 6

1 is admitted into the record.

2 Next, I'm going to -- Complainant's
3 Exhibit No. 7 is a two-page document. It's a cover
4 page and a birth certificate, Social Security card
5 and driver's license.

6 Does the Company object to admitting
7 this into the record?

8 MS. GRAHAM: Yes, Judge. This is completely
9 irrelevant to the complaint. The complainant has not
10 shown how this in any way relates to his account with
11 ComEd.

12 MR. LEONARD CLAYTON: She tried --

13 MS. GRAHAM: Or even what it is other than the
14 fax cover letter and then a birth certificate,
15 driver's license and Social Security number that --

16 MR. LEONARD CLAYTON: She tried to --

17 MS. GRAHAM: -- doesn't belong to anyone.

18 MR. LEONARD CLAYTON: -- in her daughter's name
19 and that was sent to the ComEd as the fax states.

20 JUDGE HAYNES: Okay. So -- what does this have
21 to do with your account?

22 MR. LEONARD CLAYTON: Because she was stealing

1 the electric. They turned it off. She tried to get
2 it turned back on in her name -- in her daughter's
3 name because she could not get it turned on in her
4 name because I presume she owed them already and when
5 they came to turn my electric on after they had
6 turned hers off -- I mean, turned it off, she was
7 expecting for hers to be turned on and they didn't
8 because they were stealing the electric.

9 JUDGE HAYNES: Okay. I am going to --
10 depending on what else I hear today, I'm going to
11 hold off ruling on this fax with Mahogany's personal
12 information here.

13 MR. LEONARD CLAYTON: It's strange because they
14 say that's the only fax that they received. They
15 didn't receive none of mine, but they received that,
16 she admitted to.

17 JUDGE HAYNES: Okay. And then there's these
18 three documents here that I don't know that ComEd has
19 had a chance to review. So we're going to go off the
20 record now.

21 MR. LEONARD CLAYTON: Okay.

22 JUDGE HAYNES: I'm going to make copies of

1 these Exhibits 1 through 6 -- and 7 and I'm going to
2 let ComEd have a chance to read these letters and
3 then we'll go back on the record after that.

4 (Discussion off the record.)

5 (Whereupon, Complainant's
6 Exhibit Nos. 1 through 7 were
7 marked for identification.)

8 JUDGE HAYNES: Before we went off the record to
9 make copies, we had a discussion regarding the Police
10 records and -- it's a two-page Document. One states
11 at the top "Victim Information Notice" and the other
12 one at the top has "Police Records Inquiry" and
13 Mr. Clayton has indicated he would like these in the
14 record.

15 And the Company, would you like to
16 restate your objection regarding the Police records?

17 MR. GOLDSTEIN: Yes. The documents don't
18 really show what the Police report was. I believe
19 Mr. Clayton testified that the Police came out to his
20 residence. I don't know that to be a fact because
21 there's nothing to indicate that on the documents.

22 If the Police actually came out to his

1 residence, they would have made a report in writing
2 as to what they found when they went out there. That
3 is not indicated on any of the documents.

4 The documents have no possible
5 relevance to this proceeding and we object to the
6 admissibility.

7 MR. LEONARD CLAYTON: In one of the letters
8 that I wrote to them, I put in there the Police
9 report, the date of the report. When I went to the
10 Police station on Kedzie and Harrison, they told me
11 to go to 35th and Michigan to get the report. When I
12 went to go get the report, which is dated on that
13 form that I showed you, the form was nothing but
14 blacked out.

15 JUDGE HAYNES: Wait. Are you talking about
16 another document that you haven't given me was
17 blacked out?

18 MR. LEONARD CLAYTON: I don't have it here with
19 me. Yes, it was. It was blacked out.

20 MR. GOLDSTEIN: All the more reason for not
21 admitting any of those documents.

22 MR. LEONARD CLAYTON: Why would I call the

1 Police and report this?

2 MR. GOLDSTEIN: I have no idea.

3 MR. LEONARD CLAYTON: You act like I'm stupid.

4 JUDGE HAYNES: I understand what you're saying

5 and -- however, I have to agree with the Company,

6 that these are -- one is a document you filled out,

7 which doesn't show anything the Police have done and

8 another is a document that really doesn't have any

9 information that shows at all to be relevant to this

10 proceeding.

11 However, that doesn't mean that your

12 statements regarding calling the Police aren't in the

13 record and are part of the record --

14 MR. LEONARD CLAYTON: Okay.

15 JUDGE HAYNES: -- it's just that these

16 documents, because there's so little on them --

17 MR. LEONARD CLAYTON: Mm-hmm.

18 JUDGE HAYNES: -- that they don't help your

19 case.

20 MR. LEONARD CLAYTON: Okay.

21 JUDGE HAYNES: So I'm not going to admit those

22 into the record.

1 MR. LEONARD CLAYTON: Okay.

2 JUDGE HAYNES: I'll hand you back your
3 originals, but they're not going to go into the
4 record.

5 I have now the three letters that --
6 starting with the letter that starts with a fax dated
7 January 11th, 2011, and it's a three-page document
8 behind it that's also dated January 2011.

9 Mr. -- has the Company had an
10 opportunity to review this document and do you have
11 an objection?

12 MS. GRAHAM: Yes, Judge. And we do object.
13 That document has no probative value whatsoever. It
14 appears to have been drafted by Mr. Clayton is
15 self-serving at best. I fail to see the relevancy to
16 this complaint and it's -- if anything, cumulative
17 evidence. Nothing in that letter is anything more
18 than what we've already heard from Mr. Clayton from
19 his direct testimony.

20 MR. LEONARD CLAYTON: Why didn't y'all not
21 respond to my letters?

22 JUDGE HAYNES: Okay. You'll have an

1 opportunity to ask the Company if they received these
2 letters.

3 So, Mr. Clayton, this letter dated
4 January 11th, did you write this letter?

5 MR. LEONARD CLAYTON: I wrote all those
6 letters.

7 JUDGE HAYNES: Okay. And what you've stated in
8 these letters, if you were to testify to the facts
9 included in them, would you say the same thing today?

10 MR. LEONARD CLAYTON: Oh, absolutely.

11 JUDGE HAYNES: Okay. Is there -- and for what
12 purpose do you want this letter to go into the
13 record?

14 MR. LEONARD CLAYTON: To show that I had
15 responded to Commonwealth Edison's billing and
16 that -- to have someone come out and follow up.

17 JUDGE HAYNES: Okay. For that purpose, I will
18 admit it into the record and that will be marked as
19 Complainant's Exhibit 8.

20

21

22

1 (Whereupon, Complainant's
2 Exhibit No. 8 was
3 marked for identification
4 and admitted into the record.)

5 JUDGE HAYNES: And next I have in front of me
6 the letter dated May 17th of 2012.

7 And does the Company object to this
8 document?

9 MS. GRAHAM: Yes, Judge. Same objections. No
10 probative value. Self-serving. Irrelevant.
11 Cumulative.

12 JUDGE HAYNES: And I believe you stated,
13 Mr. Clayton, that you wrote this letter and if -- are
14 the facts included in this letter the same as you
15 would state today?

16 MR. LEONARD CLAYTON: Absolutely.

17 JUDGE HAYNES: And for what purpose do you want
18 that admitted into the record?

19 MR. LEONARD CLAYTON: To let them know that I
20 wanted somebody to come out and listen to my
21 complaint, to follow up on it, which was never done.

22 JUDGE HAYNES: Okay.

1 MR. LEONARD CLAYTON: If they had followed up,
2 I wouldn't even be here today.

3 JUDGE HAYNES: Okay. So the May 17th letter is
4 going to be -- I'm going to admit it into the record
5 for the purpose stated by Mr. Clayton and it's going
6 to be Complainant's Exhibit 9.

7 (Whereupon, Complainant's
8 Exhibit No. 9 was
9 marked for identification
10 and admitted into the record.)

11 JUDGE HAYNES: And the last document is dated
12 May 15th of 2014.

13 And does the Company object to this?

14 MS. GRAHAM: Yes, Judge. Same objections. I'd
15 also like to point out that at the last status, we
16 indicated to Mr. Clayton that we looked to see what
17 numbers he was sending those faxes to and one of them
18 appears to be one digit off from a ComEd number, so I
19 don't know where that fax went. We have a record of
20 the other ones.

21 JUDGE HAYNES: Okay. And do you have a witness
22 to explain that, would be --

1 MS. GRAHAM: We have a witness who can explain
2 that.

3 JUDGE HAYNES: Okay. And, Mr. Clayton, if
4 you -- I see it's got nine paragraphs. Did you write
5 these?

6 MR. LEONARD CLAYTON: Yes, I did.

7 JUDGE HAYNES: Okay. And, to the best of your
8 knowledge, are the facts contained therein correct?

9 MR. LEONARD CLAYTON: As far as I know. Is
10 that the one with Mr. Jaleon's name and ID number and
11 phone on it?

12 JUDGE HAYNES: I don't know.

13 MR. LEONARD CLAYTON: It's in one of the
14 letters, I know that for a fact.

15 JUDGE HAYNES: Oh, you mean the meter reader?

16 MR. LEONARD CLAYTON: Right.

17 JUDGE HAYNES: No, I don't think this is the
18 meter reader one.

19 MR. GOLDSTEIN: It was in a previous one,
20 Judge.

21 JUDGE HAYNES: It was.

22 MR. LEONARD CLAYTON: Of what date?

1 JUDGE HAYNES: Okay. So this is going to be
2 Complainant's Exhibit 10. I'm going to admit it into
3 the record over the Company's objection.
4 (Whereupon, Complainant's
5 Exhibit No. 10 was
6 marked for identification and
7 admitted into the record.)
8 JUDGE HAYNES: Mr. Clayton?
9 MR. LEONARD CLAYTON: Yes, ma'am.
10 JUDGE HAYNES: Did you have anything else you
11 wanted to add?
12 MR. LEONARD CLAYTON: Not at this moment. I'm
13 just frustrated from this whole situation. I
14 really am.
15 JUDGE HAYNES: Okay. So at this point, now the
16 Company has the opportunity to cross-examine you.
17 MR. LEONARD CLAYTON: Fine.
18 THE COURT: Mr. Goldstein.
19 MR. GOLDSTEIN: I have no questions of the
20 witness.
21 JUDGE HAYNES: No questions, okay. Thank you,
22 Mr. Clayton.

1 Did you plan on testifying today?

2 MS. VIRGINIA CLAYTON: All I want -- yes. I'm

3 sorry.

4 JUDGE HAYNES: If you're going to testify,

5 please raise your right hand.

6 (Witness sworn.)

7 VIRGINIA CLAYTON,

8 called as a witness herein, having been first duly

9 sworn, was examined and testified as follows:

10 EXAMINATION

11 BY

12 JUDGE HAYNES:

13 Q Now, please state your name for the record?

14 A My name is Virginia Clayton and I live at

15 3418 West Grenshaw, Chicago, Illinois 60624.

16 Q Thank you. And what's your relation to

17 Mr. Clayton?

18 A Husband of 46 years.

19 Q Okay. So now that that's on the record,

20 what would you like to add to this?

21 A I guess mine would be a little different,

22 you know. I just want some resolution so we can make

1 this bill respectable so I can pay my bills every
2 month. That's all I want out of this, you know, and
3 see if we can come to something.

4 Q You don't have any other facts to add to
5 this or explanation? Did Mr. Clayton forget
6 something that you want to add?

7 A Trust me, he didn't forget nothing. He has
8 one of those minds that he don't forget. I do. He
9 doesn't.

10 Q Okay.

11 A You know, and I would just, you know,
12 reinforce the things -- I'm not going to repeat it
13 because I missed something or messing up --

14 Q Okay?

15 A -- if it's -- if he wrote it down, that's
16 how he saw it and that's how he bills and he will
17 stick to that, period. He's not flexible on that and
18 it happened, but there's no need for both of us
19 saying the same thing.

20 JUDGE HAYNES: Okay. Mr. Goldstein, I assume
21 you have no questions for Mrs. Clayton?

22 MR. GOLDSTEIN: That is correct, Judge.

1 JUDGE HAYNES: Okay. Then at this point, the
2 Company is going to put their case on.

3 MR. GOLDSTEIN: I'd like to call my first
4 witness, Judge, if may. Jaleon Wakefield.

5 (Witness sworn.)

6 JALEON WAKEFIELD,
7 called as a witness herein, having been first duly
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY

11 MR. GOLDSTEIN:

12 Q Mr. Wakefield, you're employed by
13 Commonwealth Edison; is that correct?

14 A That's correct.

15 Q What is your present position with ComEd?

16 A I'm an energy technician.

17 Q And how long have you held that title?

18 A I've been an energy technician for two
19 years now.

20 Q And previous to being an energy technician
21 at ComEd, what was your position at ComEd?

22 A A meter reader.

1 Q And as a meter reader, did you read the
2 meters at Mr. Clayton's property at 3418 West
3 Grenshaw?

4 A I did.

5 Q And do you recall having a conversation
6 with Mr. Clayton while you were out reading meters in
7 the area of Mr. Clayton's residence?

8 A I do.

9 Q And could you state what he said to you and
10 what you said to him to the best of your
11 recollection?

12 A Yeah. Me and Mr. Clayton actually had a
13 couple different conversations numerous times and
14 what he told me was he felt that his sister or
15 somebody was stealing electricity and I told him that
16 it's always a possibility that somebody could be
17 stealing electricity.

18 I also told Mr. Clayton that in order
19 for us to be able to find out for sure or not, he
20 would have to have ComEd come out and take a look
21 because I was a meter reader at that time. So we
22 have no physical -- we don't test the meters we don't

1 do anything other than read them. He was saying that
2 they was giving him the runaround for a while.

3 And I also told Mr. Clayton, if he
4 couldn't get ComEd to come out in a respectable time,
5 he can have his own electrician come out and verify
6 exactly what's going on. That's pretty much it.
7 That's how most of our conversations went.

8 Q And as a meter reader, would you have been
9 able to tell if a customer was being charged for an
10 entire building as Mr. Clayton testified to in his
11 direct case?

12 A Yeah, me personally, I wouldn't be able to
13 tell.

14 Q All right. Do you have anything else you'd
15 like to add to your testimony?

16 A That's pretty much it.

17 MR. GOLDSTEIN: I have nothing else, Judge.

18 JUDGE HAYNES: Thank you.

19 Mr. Clayton, do you have questions for
20 this witness?

21 MR. LEONARD CLAYTON: Okay.

22

1 CROSS-EXAMINATION

2 BY

3 MR. LEONARD CLAYTON:

4 Q You remember me; right?

5 A Oh, yeah, definitely.

6 Q How many times did you come out and read my
7 meter during your tenure as a meter reader at 3418
8 Grenshaw?

9 A Well, I had that route probably about a
10 year, so maybe about -- a total of 12 months, it
11 could have been a total of 12 months.

12 Q Can you explain why I would have your name,
13 your phone number and your ID number? Could you give
14 an explanation for that?

15 A Oh, yeah. I gave it to you.

16 Q What reason?

17 A For whatever reason you needed it for.
18 Sometimes customers makes complaints. Sometimes they
19 want to call and say you did a good job or just me
20 assisting you with telling you what I knew, you know.

21 Q Okay. You don't ever remember saying to me
22 that, They were charging you for the whole building?

1 A Yeah, no, not the whole building. There's
2 no way I could tell you that they were charging you
3 for the whole building.

4 Q Has anyone intimidated you?

5 A Not at all.

6 Q Has anyone said anything detrimental to
7 you?

8 A Not at all.

9 Q Yet, you don't remember the conversation I
10 had as to why I got your personal information?

11 A I clearly just told you, I gave it to you
12 and the conversations that me and you had --

13 Q Okay.

14 A -- you told me that you thought they was
15 stealing electricity. You don't remember me telling
16 you that you needed ComEd to come out and verify
17 that?

18 Q Absolutely. And that's why I wrote those
19 letters and added your information into those letters
20 to verify what I was saying.

21 A That's fine. I'm just saying that I had no
22 way of personally telling you that they were stealing

1 electricity myself.

2 Q Well, your memory is not as sharp as mine
3 because you definitely mentioned that they were
4 charging me for the whole building.

5 MR. GOLDSTEIN: I'm going to object to that,
6 Judge. He's arguing with the witness.

7 MR. LEONARD CLAYTON: I'm not arguing with him.
8 I'm making statements of fact.

9 JUDGE HAYNES: Please try to make -- direct
10 questions to the witness, not argue with the witness.

11 MR. LEONARD CLAYTON: Okay. I didn't feel I
12 was arguing with him.

13 JUDGE HAYNES: Okay.

14 MR. LEONARD CLAYTON: I'm trying to ask a
15 question.

16 JUDGE HAYNES: Sure.

17 MR. LEONARD CLAYTON: I see that there's
18 something going on here, so I don't have any other
19 questions for you.

20 MR. GOLDSTEIN: No redirect, Judge. I ask that
21 the witness be excused.

22 JUDGE HAYNES: Mr. Wakefield, could you spell

1 your name.

2 MR. GOLDSTEIN: That's a good idea, Judge.

3 Both your first and last names.

4 THE WITNESS: All right. It's J-a-l-e-o-n and

5 Wakefield, W-a-k-e-f-i-e-l-d.

6 MR. GOLDSTEIN: Sorry about that, Judge.

7 JUDGE HAYNES: That's okay. Thank you. That

8 was thanks to the court reporter that we all

9 remembered to get your actual name on the record.

10 MR. GOLDSTEIN: Yes.

11 JUDGE HAYNES: And do you have another witness

12 today?

13 MS. GRAHAM: Yes. We'd like to call Marilyn

14 Widmer.

15 JUDGE HAYNES: I'm sorry, who is this?

16 MS. GRAHAM: This is Miss Widmer.

17 JUDGE HAYNES: Widmer. Please raise your right

18 hand.

19

20

21

22

1 (Witness sworn.)

2 MARILYN WIDMER,

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MS. GRAHAM:

8 Q Would you please state your name and spell
9 it for the record.

10 A Sure. It's Marilyn, M-a-r-i-l-y-n, last
11 name Widmer, W-i-d-m-e-r.

12 Q And what is your job title at ComEd?

13 A I am a senior business analyst in the
14 Customer Relations Department.

15 Q And could you please generally describe
16 your duties and responsibilities.

17 A Yes. We handle customer complaints via the
18 different bureaus, the Illinois Commerce Commission,
19 CUB, executive inquiries, manager inquiries. We
20 resolve the complaints to the best of our ability at
21 an informal level.

22 Q And you're familiar with customer accounts

1 and billing and meter information; is that correct.

2 A Yes.

3 Q Are you personally familiar with Leonard

4 Clayton's ComEd accounts?

5 A Yes.

6 Q How are you familiar with them?

7 A I have been asked to review the complaint

8 in order to testify today.

9 Q Okay. And have you reviewed all of his

10 accounts, his activity statements, his meter records?

11 A Yes.

12 Q I'm going to hand you a document that's

13 been marked as ComEd Exhibit 1. Can you please

14 explain what this is.

15 A This is an activity statement. What it

16 does is it shows all of the bills that were issued.

17 It shows your meter number. It shows your meter

18 readings. It shows your current balances and any

19 late charges or payments applied to the account.

20 JUDGE HAYNES: Okay. Before you go any

21 farther, does the complainant have a copy of this?

22 MS. GRAHAM: He should.

1 MR. LEONARD CLAYTON: Let me see yours. Let me
2 see if I have it.

3 MS. GRAHAM: I gave you four documents,
4 Mr. Clayton, that we'll be using.

5 MR. LEONARD CLAYTON: I don't see that.

6 JUDGE HAYNES: That was stuff you handed to me.

7 MR. LEONARD CLAYTON: Is that it?

8 MS. GRAHAM: This is it.

9 JUDGE HAYNES: I'm sorry. I just want us all
10 to be looking at the same thing while she testified.

11 BY MS. GRAHAM:

12 Q What is that activity statement dated?

13 A October 7th, 2015.

14 Q And what time period does it cover?

15 A It covers from October 1st of 2013
16 through --

17 MR. LEONARD CLAYTON: I don't see October up
18 here.

19 THE WITNESS: It's October here, sir. You see
20 October 1st of 2013? That's when it started. See
21 right here --

22 MR. LEONARD CLAYTON: Okay. Okay.

1 THE WITNESS: -- that's where it started.

2 MR. GOLDSTEIN: Judge, if Mr. Clayton is going
3 to continually interrupt the witness, would you
4 admonish him that -- let her finish her statement.
5 If he can't find it, he can ask questions of the
6 witness on cross-examination so that this doesn't
7 take 4 or 5 hours to go through.

8 JUDGE HAYNES: Mr. Goldstein, I understand your
9 concern and we'll see how this goes. So if --
10 hopefully the witness will be clear enough that we
11 can all follow along.

12 THE WITNESS: -- through September 27th of
13 2015.

14 BY MS. GRAHAM:

15 Q And is this a business record kept in the
16 ordinary course of business at ComEd --

17 A Yes.

18 Q -- which you have access to as part of your
19 job?

20 A Yes, it is.

21 Q Okay. What is the current balance on the
22 account?

1 A \$17,928.29.

2 Q Okay. And what payments has Mr. Clayton
3 made on the account?

4 A Well, from looking at this statement, on
5 March 20th of 2015, \$350; on May 11th of 2015, \$693;
6 and that's all the payments I see.

7 Q There is some line items on the activity
8 statement that say "North American Power." Can you
9 explain why?

10 A Yes. That is the supplier that is listed
11 on the account to provide electric service to this
12 customer.

13 Q Okay. I'm going to hand you what's been
14 marked as ComEd Exhibit 2.

15 Can you please explain what this is?

16 A Yes. This is our computer system and what
17 the account would look at -- look like when I bring
18 up the account. And what this is stating is that
19 there was a request sent to ComEd to change the
20 supplier on the account to North American Power &
21 Light as of May 2nd, 2012.

22 Q Okay. How does a customer sign up for an

1 alternative supplier like North American Power?

2 A Either the customer reaches out to the
3 supplier or in some instances, the supplier may reach
4 out to the customer. The agreement is made between
5 the supplier and the customer and then ComEd is
6 notified. After which we're notified, we send the
7 customer a letter stating that we've been asked to
8 change the supplier on the account.

9 Q Does ComEd ever sign a customer up for a
10 new supplier without the customer's consent?

11 A No.

12 Q Okay. You stated earlier that you reviewed
13 Mr. Clayton's accounts. Do you recall what units
14 have been in Mr. Clayton's name at 3418 West
15 Grenshaw?

16 A He's had his name on all three units at
17 different times.

18 Q Do you recall what day or about what year
19 his accounts were closed in Unit B and Unit 2?

20 A Yeah, I wrote it down. I have it right
21 here.

22 MS. GRAHAM: Can she look at her notes to

1 refresh her recollection?

2 THE WITNESS: I wrote it down. Is that okay?

3 JUDGE HAYNES: Yes. Mm-hmm.

4 THE WITNESS: Okay. So in Unit 2,

5 Mr. Clayton's name was on record from October 23rd of

6 2002 to November 7th of 2005. At the time of

7 closing, there was no balance owed on the account.

8 JUDGE HAYNES: And Unit 2 is the 2nd floor?

9 THE WITNESS: Yes, ma'am.

10 BY MS. GRAHAM:

11 Q Okay. Do you recall when the account for

12 Mr. Clayton's basement unit closed?

13 A Well, it started August 22nd of 1978. It

14 closed on October 3rd of 2009.

15 Q Okay. I'm going to hand you a document

16 that's been marked as ComEd Exhibit 3.

17 A Okay.

18 Q It's a three-page document. Can you

19 explain what that is.

20 A Yes. This is a meter reading history on

21 the account. It shows the reading dates, the type of

22 reading, the meter readings, the usage and whether or

1 not the account was billed.

2 Q Okay. Looking at the meter records for
3 Unit B -- I believe it's the third page in that
4 document -- when was the last account for Unit B
5 closed? That's Unit 1. I think it's the third page.

6 A Well, right -- here they are. I'm sorry.
7 I thought they were the same unit history. All
8 right. Unit B, October 30th of 2009.

9 JUDGE HAYNES: Is that the basement?

10 THE WITNESS: Yes.

11 BY MS. GRAHAM:

12 Q And then looking at the meter records for
13 Unit 2, when was the last account for Unit 2 closed?

14 A Okay. So Unit 2 is the 2nd page.
15 October 30th of 2009.

16 Q And on that page, you see several line
17 items that say, Consumption on inactive meter. Can
18 you please explain what that is.

19 A Yes. What that means is after -- the rows
20 that show billed means that the customer was actually
21 billed for service. Rows that show an active or
22 consumption on inactive means that there may have

1 been service used, but there was no customer billed
2 for the service.

3 Q Okay. Based on that, is it your -- using
4 your knowledge of these documents, is it clear
5 that -- strike that.

6 Based on your review of these
7 documents, can you say definitively that Mr. Clayton
8 was never changed for the consumption at Unit 2 since
9 2009?

10 A Exactly. Exactly.

11 Q And how can you be sure?

12 A Because there were no bills issued. This
13 is the last billed date and if you notice, the meter
14 readings, that shows the usage and it says
15 "inactive," so there's no bills issued. Also, the
16 customer would have bills from 2009 to current if he
17 was billed. There were no bills issued.

18 Q Based on your review of the account billing
19 history and meter reading history, is there any error
20 in the billing of any of Mr. Clayton's accounts?

21 A No.

22 Q I'm going to hand you what's been marked

1 ComEd Exhibit 4.

2 Can you please explain what this is.

3 A Yes. What this is, this is all -- well, I
4 looked at Unit 1, that's your active account.

5 MR. LEONARD CLAYTON: Mm-hmm.

6 THE WITNESS: This is all of your bill dates
7 for as far back as I could go. This is your
8 kilowatt-hour consumption on Unit 1 and this is the
9 price of your bills. The last column is what the
10 price is per kilowatt-hour that you were charged from
11 the supplier.

12 BY MS. GRAHAM:

13 Q And that supplier is whom again?

14 A North American Power & Lighting.

15 Q And did you make this chart using
16 information available to you from ComEd's Customer
17 Information Management System?

18 A I used the actual customer bills.

19 Q Okay. And this information is -- this is
20 derived from information kept in the ordinary
21 course --

22 A Yes.

1 Q -- of business at ComEd?

2 A Yes.

3 Q Which you have access to as part of your
4 job?

5 A Yes.

6 Q And does that conclude your testimony?

7 A Yes.

8 JUDGE HAYNES: So I have questions.

9 EXAMINATION

10 BY

11 JUDGE HAYNES:

12 Q Looking at ComEd Exhibit 1, I see that it
13 starts in October of 2013 with a balance forward of
14 \$10,000?

15 A Yes.

16 Q Why is there a balance forward of \$10,000?

17 A Well, the reason that the balance is
18 \$10,000, because at the time that the bill was issued
19 from October 1st to October 30th, the bill was not
20 paid in full. If the bill had been paid in full, it
21 would only show current charges and I wrote them down
22 because it's listed as delivery and supplier because

1 he has a supplier, so on my own copy I wrote it down.
2 It would have been \$230.90 if the account had been
3 current at the time that bill was issued.

4 Q Does the Company have records going back
5 farther than October of 2013?

6 A Not to my knowledge. I don't have records
7 going back further. This is as far back as I could
8 go.

9 MS. GRAHAM: Judge, pursuant to statute, the
10 Company is only required to maintain two years of
11 billing records.

12 JUDGE HAYNES: So the complaint was filed in
13 May of 2013, so I would think that at least back
14 until -- I'm sorry, it was filed in May of 2015, so
15 the Company should have records back to May of 2013.

16 MS. GRAHAM: We do have as part of the informal
17 complaint an activity statement that goes back
18 further, but we weren't planning to introduce it into
19 evidence.

20 BY JUDGE HAYNES:

21 Q Is there a huge bill on that one?

22 A Okay. The balance -- this activity

1 statement is dated 7/9 of 2014. The total balance
2 owed is \$13,190.33.

3 Q It's dated 7/9 of '14?

4 A Yes.

5 Q And so what date does the billing start on?

6 A It goes back to -- well, this is cut off,
7 so it's -- I believe it's probably July 10th of 2012
8 because our records go back two years. At that time,
9 the total balance was \$7,259.69.

10 JUDGE HAYNES: Okay. I think that it would be
11 appropriate to have at least two years' worth of
12 records from the date of the complaint and so this is
13 something that the Company provided to Mr. Clayton in
14 the --

15 MS. GRAHAM: We provided him with the current
16 activity statement at our first status, Judge.

17 JUDGE HAYNES: And then the one from the
18 informal complaint was provided to him during the
19 informal complaint process?

20 THE WITNESS: That was --

21 MS. GRAHAM: I don't know if Mr. Clayton was
22 provided a copy. I can get him one now. It's just

1 in the informal complaint paperwork that we have on
2 file.

3 BY JUDGE HAYNES:

4 Q So reviewing that activity statement, is
5 there any -- what would you surmise is the reason for
6 the large balance?

7 A Lack of payment.

8 JUDGE HAYNES: Okay. I would like to have the
9 older activity statement in the record.

10 MS. GRAHAM: Okay.

11 MR. GOLDSTEIN: We'll provide that to your
12 Honor.

13 JUDGE HAYNES: Okay. Where are you going to
14 make copies?

15 MR. GOLDSTEIN: I have to make copies for you,
16 Judge.

17 JUDGE HAYNES: Off our copier?

18 MR. GOLDSTEIN: Yes.

19 JUDGE HAYNES: For the hearing, did you make
20 the copies on our copier?

21 MS. GRAHAM: No, Judge.

22 JUDGE HAYNES: Okay.

1 MS. GRAHAM: We weren't planning to introduce
2 that into evidence.

3 JUDGE HAYNES: No, understood.

4 BY JUDGE HAYNES:

5 Q Miss Widmer?

6 A Yes.

7 Q Looking at ComEd Exhibit 4 --

8 A Yes, ma'am.

9 Q -- so this has the kilowatt-hour price that
10 North American Power is charging the Claytons?

11 A Yes.

12 Q Do you know what ComEd's fixed
13 kilowatt-hour price is?

14 A Currently?

15 Q Currently.

16 A It's 8 cents a kilowatt-hour.

17 Q And currently on here what does this show?

18 A Well, it shows -- it starts at 9 cents,
19 goes up to 15 cents and back down to 10 cents. It's
20 a variable rate.

21 Q Sure. And so the 9 cents that ComEd is
22 charging now, do you know --

1 A ComEd is charging 8 now.

2 Q I'm sorry, 8.

3 A I'm sorry.

4 Q No, I don't know what you said.

5 A I'm sorry.

6 Q 8 cents now. ComEd is charging 8 cents

7 now?

8 A Yes.

9 Q And do you know if that's a higher rate

10 than they've been paying -- charging?

11 A It's a lower rate and --

12 Q I'm sorry, that ComEd has charged over time

13 is 8 cents?

14 A Oh, no currently -- currently, today it's

15 8 cents. Looking at the time of this, it was

16 4-and-a-half cents.

17 Q Okay. So during this -- is that a possible

18 explanation for high bills?

19 A Absolutely. Absolutely.

20 Q So maybe you could walk us through -- do

21 you know at what point in time there was a

22 4-and-a-half-cent ComEd --

1 A It was last summer. It was -- we've had a
2 number of variable --

3 Q Sure.

4 A -- rate increases, but I can say from last
5 summer until about a month ago, it was 4 and a half
6 cents. It progressively raised up to 7 cents and
7 just most recently it became 8 cents --

8 Q Okay.

9 A -- maybe like two weeks ago.

10 Q Thank you. So looking at last summer,
11 so -- that you have here, a bill date August 1, 2014,
12 to September 2014?

13 A Mm-hmm.

14 Q And do I understand that ComEd's rate at
15 that time was, you think, 4 and a half cents?

16 A It was somewhere around there. It was --
17 yeah, definitely somewhere around there.

18 Q And what were they charged?

19 A They were charged -- what date did you say?
20 June to July?

21 Q August to September.

22 A Oh, August to September, they were charged

1 13.4 cents, almost 13 and a half cents a
2 kilowatt-hour.

3 JUDGE HAYNES: Okay. I have no further
4 questions.

5 Do you have questions for the witness,
6 Mr. Clayton?

7 MR. LEONARD CLAYTON: Yes, I do.

8 JUDGE HAYNES: Okay.

9 CROSS-EXAMINATION

10 BY

11 MR. LEONARD CLAYTON:

12 Q Who authorized the change as you said in
13 2009 for Northern Power & Gas?

14 A I can't speak to that, but what I can say
15 is we received the supplier change from the supplier.
16 So the supplier should have a document showing
17 that --

18 Q Because we never changed. We always
19 thought we were under ComEd.

20 A You need to ask them for it. They should
21 have something, but you have to ask them.

22 Q Someone did it on their own, we didn't.

1 A If we looked -- I hate to --

2 THE WITNESS: Can I see one of his bills if

3 it's okay.

4 Mr. Clayton, here, I'm trying to help

5 you here.

6 BY MR. LEONARD CLAYTON:

7 Q I need some help because right now -- okay

8 go ahead. I'm sorry.

9 A Listen to me now. You need to call this

10 number; right?

11 Q Okay.

12 A And here's what you need to do: You need

13 to tell them that you never asked to be changed to a

14 supplier.

15 Q Which I didn't.

16 A I understand that. And you need to tell

17 them that you were changed without your knowledge.

18 Q Okay.

19 A Okay?

20 Now, if they don't answer your

21 questions in a manner that you find acceptable, you

22 need to reach out to the Illinois Commerce

1 Commission, just like you reached out on this bill
2 with us.

3 Q Okay.

4 A And you need to talk to the counselor and
5 tell them that somebody changed you and you didn't
6 change it and what they'll do then is they'll reach
7 out to the supplier on your behalf just like they
8 reached out to us --

9 Q Okay.

10 A -- to demand answers as to why you don't
11 know that your account was changed to a supplier, but
12 only you can do that. I can't do it for you because
13 I have to be impartial here.

14 Q Okay.

15 A But only you can do it and if you do it,
16 you might be happy with the results, but I'm asking
17 you to just put --

18 Q Oh, I'm definitely -- I wasn't -- didn't
19 know the full procedure of this, but I knew I had not
20 changed to a different power company.

21 A I believe you, but you have to listen to
22 me, that's all I'm asking you to do.

1 Q My antennas are up.

2 JUDGE HAYNES: I just thought of another

3 question, I'm sorry.

4 FURTHER EXAMINATION

5 BY

6 JUDGE HAYNES:

7 Q Can you -- looking at ComEd Exhibit 1, how

8 can I tell what is fees or fines or late charges and

9 what is -- can you tell how much of the bill is for

10 actual usage? How much is for late fines?

11 A Yeah. Well, I'd have to add it up --

12 Q Sure.

13 A -- but the late charges are clearly marked.

14 Q Okay.

15 A It will say, Late payment charge,

16 November 6th.

17 Q Okay.

18 A And it was 13,132, I believe, or am I

19 looking at it wrong?

20 Q I see that, 13,132.

21 A My eyes are old. 13,132.

22 Q At least you have your own glasses.

1 JUDGE HAYNES: I'm sorry, Mr. Clayton, I just
2 had to say it.

3 MR. LEONARD CLAYTON: Join the club.

4 THE WITNESS: And -- but, I mean, I can easily
5 add them up with a calculator if that's what you're
6 looking for.

7 BY JUDGE HAYNES:

8 Q And is there interest on the account too or
9 just --

10 A Well, no, it's late charges.

11 Q Just late charges --

12 A But I would say late charges and interest
13 are one and the same.

14 JUDGE HAYNES: Okay. I have no further
15 questions but I don't believe you've moved your
16 exhibits into the record.

17 MS. GRAHAM: Yes, Judge. ComEd moves these
18 documents into evidence -- that is, the exhibits
19 marked 1, 2, 3, and 4 -- and now we'll mark the
20 activity statement from the informal complaint as
21 Exhibit 5.

22

1 (Whereupon, ComEd's
2 Exhibit No. 5 was
3 marked for identification.)
4 JUDGE HAYNES: Did you have any further direct
5 for your witness?
6 MS. GRAHAM: I think -- no.
7 JUDGE HAYNES: Mr. Clayton, did you have
8 cross-examination for this witness?
9 RECROSS-EXAMINATION
10 BY
11 MR. LEONARD CLAYTON:
12 Q What month was it changed to this Northern
13 Power & Gas?
14 A Can I see that statement?
15 JUDGE HAYNES: You know, I found my other
16 copies.
17 BY MR. LEONARD CLAYTON:
18 Q When I call them, I can inquire?
19 A Absolutely. May 2nd of 2012.
20 Q I thought you said something about '09?
21 A No, you changed -- '09 --
22 Q I didn't change.

1 A '09 was when that other account closed in
2 your name.

3 Q Okay. For which floor? The 2nd -- no, it
4 couldn't have been the 1st floor, it had to be the
5 basement.

6 A No, I have it for you. I wrote it down.

7 MS. GRAHAM: Marilyn, what exhibit are you
8 looking at so that the Complainant can look at the
9 exhibit?

10 THE WITNESS: This Exhibit? This is when the
11 supplier changed.

12 MS. GRAHAM: Can you point out which exhibit
13 it's on, please.

14 THE WITNESS: Oh, Exhibit No. 2. Sorry. You
15 see here, that's the date that it changed. Prior to
16 that, you had --

17 BY MR. LEONARD CLAYTON:

18 Q -- May the 2nd in 2012 --

19 A Mm-hmm.

20 '09. 10/30 of '09 --

21 Q Mm-hmm.

22 A -- is when the basement account closed in

1 your name.

2 Q Okay.

3 JUDGE HAYNES: Do you have more questions for

4 the witness?

5 MR. LEONARD CLAYTON: The only other question

6 I'd like to know is why can I not have the name of

7 the person who was living on the 2nd floor?

8 JUDGE HAYNES: Well, ask the question.

9 MR. LEONARD CLAYTON: That's what I'm asking.

10 BY MR. LEONARD CLAYTON:

11 Q Who was the person who was getting the

12 electricity on the 2nd floor?

13 MS. GRAHAM: Judge, the Company cannot share

14 customer-specific information with a customer who

15 doesn't own the account.

16 JUDGE HAYNES: So what date are you talking

17 about? What date do you want this information for?

18 MR. LEONARD CLAYTON: From '09.

19 JUDGE HAYNES: From '09.

20 MR. LEONARD CLAYTON: For the 2nd floor.

21 THE COURT: I think the witness -- haven't you

22 provided them meter records for --

1 MS. GRAHAM: Yes. We -- as we agreed to do, we
2 provided the meter records that were
3 customer-specific information, like the account
4 number was redacted, but he can see when that person
5 left, whomever it was, from the meter records.

6 JUDGE HAYNES: Okay. So -- and if I have my
7 notes correct, Miss Widmer said the account was
8 closed in '09.

9 THE WITNESS: Yeah, on the 2nd floor, 10/30 of
10 '09. From 10/30 of '09 going forward, there has been
11 no customer billed for the 2nd floor.

12 JUDGE HAYNES: Okay. Is that what your
13 question is?

14 MR. LEONARD CLAYTON: Yeah, but there was no
15 one living there.

16 THE WITNESS: That's what I'm trying to tell
17 you. There was no one billed for it. So that means
18 the Company is absorbing that usage because we did
19 not bill a customer.

20

21

22

1 REDIRECT EXAMINATION

2 BY

3 MS. GRAHAM:

4 Q To clarify, you said for most of this time,
5 there was no usage --

6 A Yes.

7 Q -- correct?

8 A Yes.

9 Q When you say that the Company is
10 absorbing --

11 A Well, that's this usage here. See?

12 Q Can you explain that more fully.

13 A What happens is when -- when you have a
14 meter reading history, right, the billed row shows
15 we're billing the customer.

16 MR. LEONARD CLAYTON: Okay.

17 THE WITNESS: When the billed rows stop, right,
18 the usage stops because we're no longer billing that
19 customer; right? So then it starts over. We're
20 still recording usage. Every time that meter reader
21 goes out and reads it, we're recording what usage is
22 used on that meter and over time, it's going to

1 record in this column.

2 JUDGE HAYNES: Which column are you pointing
3 at?

4 THE WITNESS: It's going to be GS total KWH
5 column. It's the one, two, three, four -- fifth
6 column over. So from '09 to 2012, there was usage
7 used to the tune of 17,000 kilowatt-hours, but it was
8 not billed to anybody.

9 MR. LEONARD CLAYTON: Mm-hmm. And then she
10 turned it off two or three times and Inez came back
11 and they came back and turned it off.

12 THE WITNESS: I understand that; but again, it
13 was not billed to anybody. The Company absorbed this
14 17,000 kilowatt-hours, there was no customer.

15 BY MS. GRAHAM:

16 Q If it's true that she was stealing, if she
17 was, who was she stealing from?

18 A ComEd.

19 JUDGE HAYNES: Okay. Did you have more
20 questions?

21 MR. LEONARD CLAYTON: None that I can think of
22 right now. I'm just too frustrated right now to even

1 think straight, to be honest with you.

2 JUDGE HAYNES: There are some outstanding
3 exhibits here. ComEd Exhibit 1, 2, 3, 4, and 5 which
4 you got copies of, Mr. Clayton. Do you object to
5 them going into the record?

6 MR. LEONARD CLAYTON: Not at all.

7 JUDGE HAYNES: Okay. So I just wanted to get
8 that on the record before we got any farther.

9 MS. GRAHAM: Can I ask one more question on
10 redirect?

11 JUDGE HAYNES: Sure. Go ahead.

12 MS. GRAHAM: So, Miss Widmer, based on all of
13 the evidence that you've looked at and presented, was
14 Mr. Clayton ever billed for any usage from the
15 customer who was at Unit 2?

16 A No.

17 MS. GRAHAM: Thank you.

18 FURTHER RECROSS-EXAMINATION

19 BY

20 MR. LEONARD CLAYTON:

21 Q So my bill jumped because of Northern?
22 Because it definitely went up.

1 A It went up for -- can I answer?

2 MR. GOLDSTEIN: Your Honor -- you want the
3 witness to answer that as a question, Judge?

4 JUDGE HAYNES: About why the bill went up?

5 MR. GOLDSTEIN: Yes.

6 JUDGE HAYNES: Do you object to your witness
7 answering the question?

8 MR. GOLDSTEIN: Not at all.

9 JUDGE HAYNES: Okay.

10 THE WITNESS: It went up for a number of
11 reasons, okay? It went up because -- I'm looking
12 back to 2012 -- based on these two activity
13 statements -- that's 24 months -- I only see four
14 payments. There's not a payment every month.

15 So then you're going to have late
16 charges. Those late charges are accruing each month
17 and they're accruing on your current bill and they're
18 accruing on your total balance, so that's adding into
19 it.

20 Then another thing is you're being
21 outrageously charged by the supplier -- in my
22 opinion, Judge -- based on our rates.

1 BY MR. LEONARD CLAYTON:

2 Q That's something I didn't know.

3 A And I understand that. And that's why I

4 told you, we need to work on that to see if we can

5 get them to work with you there, but the reason your

6 bill is high is because it wasn't paid.

7 JUDGE HAYNES: Okay. I have no further

8 questions for the witness.

9 I believe, Mr. Clayton, you said you

10 had no further questions.

11 MR. LEONARD CLAYTON: No questions, if we get

12 to a resolution to find out exactly what the bill

13 should be.

14 JUDGE HAYNES: And do you have further

15 questions for your witness?

16 MS. GRAHAM: I have no further questions.

17 JUDGE HAYNES: Okay. Thank you, Miss Widmer.

18 THE WITNESS: Thank you.

19 MR. LEONARD CLAYTON: Thank you.

20 THE WITNESS: Thank you so much.

21 JUDGE HAYNES: I do also have the one exhibit

22 of the complainant. I admitted 1, 2, 3, 4, 5, 6.

1 (Whereupon, Complainant
2 Exhibit Nos. 1 through 6 were
3 admitted into evidence.)

4 JUDGE HAYNES: But then I did not rule on
5 Exhibit No. 7, which is the fax and then the personal
6 information, the Social Security number. I don't see
7 the relevance to your complaint of your niece's --
8 it's your niece, I believe --

9 MR. LEONARD CLAYTON: Yeah, my niece, my
10 brother's daughter.

11 JUDGE HAYNES: -- to your complaint and also
12 there's no need for her personal information to be
13 out there.

14 MR. LEONARD CLAYTON: I just can't understand
15 why it would jump from -- basically from \$30 to \$300.

16 JUDGE HAYNES: The basement. That account
17 closed in 2009.

18 MR. LEONARD CLAYTON: Yeah, because I didn't
19 know if she was stealing from the basement or from
20 the other meters, I did not know. So I just had
21 it -- kept it off.

22 JUDGE HAYNES: Okay. So Exhibit 7 is not

1 admitted and the Police reports were not admitted.
2 However, Exhibit 8, 9 and 10, which were the letters
3 are admitted just so the record is clear, I wanted to
4 get that in the record.

5 And is there anything else that either
6 party would like to add?

7 MR. LEONARD CLAYTON: Well, I would like to say
8 if they had just followed up on my complaint in the
9 beginning in 2010, we would not be sitting here now.

10 JUDGE HAYNES: Okay.

11 MR. LEONARD CLAYTON: They never even responded
12 to it. The only thing they were doing is cutting it
13 off, cutting it off, cutting it off.

14 JUDGE HAYNES: Okay.

15 MR. LEONARD CLAYTON: They said they didn't
16 receive it, but I think...

17 JUDGE HAYNES: ComEd?

18 MS. GRAHAM: Judge, as a closing remark, I'd
19 just like to point out that the burden of proof is on
20 Mr. Clayton and he did not present any evidence that
21 he was billed for his niece's account. There's no
22 evidence that he was improperly billed by ComEd and

1 we believe that the complaint should be denied.

2 JUDGE HAYNES: Okay. I will be reviewing the
3 record, the transcript that comes in from this and
4 the exhibits that have been presented to me and I
5 will be issuing what's called a Proposed Order, which
6 will have my decision. However, I'm not the final
7 decision-maker here at the Commission and when you
8 receive that Proposed Order, it will have dates at
9 the end of it that state when you can make a
10 statement. You can file a brief in response to my
11 Proposed Order.

12 MR. LEONARD CLAYTON: Okay.

13 JUDGE HAYNES: And it will have dates for doing
14 that at the end of it and then after those briefs
15 have been filed or those dates have passed, then I
16 present a Final Order to the Commissioners and
17 there's five Commissioners and they then vote on
18 whether to go with my order or to change it based on
19 their review of the record and then that will be the
20 final decision at the Commission.

21 So it's still -- it will be a while
22 still before you get a final decision from the

1 Commission.

2 MR. LEONARD CLAYTON: Okay. What about the
3 late payments? The last time she said there would be
4 no late payments.

5 JUDGE HAYNES: You know, I certainly would
6 encourage you to -- still at this time you could
7 enter into settlement discussions with the Company.

8 MR. LEONARD CLAYTON: Okay.

9 JUDGE HAYNES: And, you know, call North
10 American Power, then talk to ComEd again.

11 MR. LEONARD CLAYTON: I'm definitely going to
12 call as soon as I get home.

13 JUDGE HAYNES: But -- just for purposes of the
14 evidentiary hearing, I don't think there's anything
15 else and so I'm going to close the record and mark it
16 heard and taken. We're off the record.

17 (Heard and taken.)

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